

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

April 04, 2024

LAURA A. AUSTIN, CLERK

BY:

s/A. Beeson  
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

THAD GILBERT COOPER,

Plaintiff,

v.

B. MULLINS,

Defendant.

Civil Action No. 7:23cv00330

**MEMORANDUM OPINION**By: Hon. Thomas T. Cullen  
United States District Judge

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Plaintiff Thad Gilbert Cooper, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On January 8, 2024, Defendant B. Mullins filed a motion for summary judgment, and on January 9, 2024, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 24 & 27.) The *Roseboro* notice gave Cooper 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendant's motion, the court would "assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant states in their responsive pleading[]." (ECF No. 27.) The notice further advised Cooper that, if he wished to continue with the case, it was "necessary that [he] respond in an appropriate fashion," and that if he failed to file a response to the motion within the time allotted, the court "may dismiss the case for failure to prosecute." (*Id.*)

Despite being given an extension of time to respond (*see* ECF No. 30), to date, Cooper has not responded to the defendant's motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

**ENTERED** this 4th day of April, 2024.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE